

# Notice of Allowability

Application No.

10/040,276

Examiner

Michael J. Yigdoll

Applicant(s)

GRITTER, DANIEL S.

Art Unit

2192

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on March 19, 2007.
2. ☒ The allowed claim(s) is/are 65-78 (renumbered 1-14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

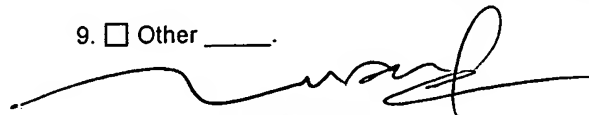
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li><li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li><li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li><li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li></ol> | <ol style="list-style-type: none"><li>5. <input type="checkbox"/> Notice of Informal Patent Application</li><li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>20070413</u>.</li><li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li><li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li><li>9. <input type="checkbox"/> Other _____</li></ol> |
|--|---|



TUAN DAM  
SUPERVISORY PATENT EXAMINER

**DETAILED ACTION**

1. This Office action is responsive to Applicant's submission filed on March 19, 2007.

Claims 65-78 are now pending.

***Response to Amendment***

2. The rejection of claim 52 under 35 U.S.C. 112, first paragraph, has been withdrawn in view of Applicant's amendment.

3. The rejection of claims 45-64 under 35 U.S.C. 103(a) has been withdrawn in view of Applicant's amendment.

***Response to Arguments***

4. Applicant's arguments (remarks, pages 8-12) have been fully considered and are persuasive.

*Examiner's Amendment*

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Saul A. Seinberg (Reg. No. 24,840) on April 13, 2007.

6. Independent claim 75 (New) is amended, as presented below, to incorporate the subject matter of claim 61 (Cancelled) and thus reflect the same scope as independent claims 65 and 71 (New), as Applicant's remarks imply (page 8, third paragraph).

IN THE CLAIMS

Please amend claim 75 as follows:

75. (Currently Amended) An article of manufacture comprising:
- at least one computer usable medium having computer readable program code logic to restore debugging breakpoints, the computer readable program code logic comprising:
    - logic in which a breakpoint is set to a selected step of a first version of source code of a program;
    - create logic to create an instruction profile for the selected step, said instruction profile comprising one or more specific attributes of one or more machine instructions generated for the selected step and one or more specific

attributes of one or more operation codes of zero or more other machine instructions generated for the first version of source code to determine which machine instruction of the modified program corresponds most closely to the selected step, wherein the instruction profile further comprises a source line number for the selected step and a length of the first version of source code; and

restore logic to automatically restore the breakpoint to the selected step of a modified program, in response to modification of the first version of source code to provide the modified program having a second version of source code, wherein the selected step is at a different location within the modified program, [[and]] wherein the restore logic comprises compare logic to compare one or more specific attributes of one or more machine instructions generated for the second version of source code with one or more specific attributes of the instruction profile created based on the first version of source code to determine which machine instruction of the modified program corresponds most closely to the different location, and wherein the restore logic comprises use logic to use the source line number and length to determine a starting point within the modified program to select the one ore more machine instructions generated for the second version to be used in the comparing.

*Allowable Subject Matter*

7. Claims 65-78 are allowed.
8. The following is an examiner's statement of reasons for allowance.

The prior art of record does not teach or reasonably suggest, in the manner and combination recited in independent claims 65, 71 and 75, setting a breakpoint to selected step of a first version of source code, creating an instruction profile for the selected step that comprises specific attributes of the machine instructions generated for the selected step, the source line number of the selected step and the length of the first version of source code, and using the instruction profile to automatically restore the breakpoint to the selected step at a different location within a modified program having a second version of source code.

9. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

Art Unit: 2192

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MY

Michael J. Yigdall  
Examiner  
Art Unit 2192

mjy



TUAN DAM  
SUPERVISORY PATENT EXAMINER